· - -·-	TED STATES DISTRICT CO ESTERN DISTRICT OF VIRO	כוובה
	Abingdon Division	FEB 1 6 2012
SHARON J. LAMMIE-MORGAI	N)	BY: DEPUTY CLERK
Plaintiff,)	,
v.) Civil Action	n No.: 1:11-cv-00082
HOME DEPOT, U.S.A., INC.) ORI	DER
Defendant.) By: James) United State	P. Jones es District Judge

ORDER

THIS MATTER is before the Court upon the initial Motion to Dismiss for failure to state a claim, and the renewed Motion to Dismiss raising those same grounds as well as Plaintiff's failure to prosecute and abide by this Court's Order, filed by Defendant, Home Depot U.S.A., Inc. ("Home Depot"). Upon consideration of the arguments, any response, and being otherwise fully apprised, it is hereby

ORDERED as follows:

- 1. Home Depot's initial Motion to Dismiss for failure to state a claim pursuant to Rule 12(b)(6) (Dkt. 3) is GRANTED for the reasons stated therein;
- 2. To the extent Home Depot's initial Motion to Dismiss (Dkt. 3) is granted, making the renewed Motion to Dismiss duplicative, the renewed Motion (Dkt. 13) is DENIED as moot.
 - 3. Plaintiff's Complaint is DISMISSED with prejudice.
 - 4. The clerk will close the case.

ENTER: February <u>/6</u>, 2012

Inited States District Judge